

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES, *ex rel.*,)
DILBAGH SINGH M.D., et al.)
Plaintiffs,)
v.) Civil No. 04-186 Erie
BRADFORD REGIONAL MEDICAL)
CENTER, et al.,)
Defendants.)

ORDER SETTING FAIRNESS HEARING

The United States and remaining Defendants have entered into a settlement agreement in this action. Relators have filed a Notice of Intent to Contest Fairness, Adequacy, and Reasonableness of Settlement, and have also filed formal Objections to Settlement and Request for Hearing. We granted the request for a fairness hearing as to the fairness, adequacy, and reasonableness of the settlement as required by 31 U.S.C. § 3730(b)(2)(B).

The United States has filed its Response to the Relators objections to the settlement, and the Defendants have filed a Reply, which incorporates its earlier-filed Response to the Relators objection to the settlement. Before we can set a date for the fairness hearing we must first address the Relators' request that prior to the hearing we permit them the opportunity to conduct limited discovery, primarily updated information as to the Defendant doctors' financial information.

We held a status conference on August 28, 2014, and we have reviewed the relevant pleadings as well as the settlement agreement. We agree with the government and the Defendants that not only is there no right to an evidentiary hearing or a period of discovery, but

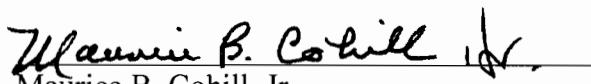
also that the information provided thus far is sufficient to give grounds for Relators to object to the settlement agreement at a fairness hearing.

It is clear that counsel for Relators have been provided with substantial information regarding Defendant's financial condition. It is our understanding that Relators appear to have a continuing objection that the settlement amount is too low in comparison to the financial condition of Defendants. We are confident that Relators' argument can be made without restarting the laborious process of obtaining updated financial information that did not form the basis for the settlement agreement entered into. We decline to base the reasonableness of the government's decision to settle this action on information that is continually changing and requires significant analysis in determining ability to pay. Moreover, the ability to pay of the Defendants is only one aspect to consider as to the fairness of the settlement agreement, as indicated in all parties' recently filed briefs. Having reviewed these briefs and accompanying exhibits, we are now prepared to set a fairness hearing.

Accordingly, the following Order is hereby entered.

AND NOW, to-wit, this 30th day of October 2014, it is hereby ORDERED, ADJUDGED, and DECREED that Relators' request for limited discovery is hereby DENIED.

A fairness hearing is hereby set for **Wednesday, November 19, 2014, at 9:30 AM** in Courtroom 8A, United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.


Maurice B. Cohill, Jr.,
Senior United States District Court Judge